REMARKS

Claims 1-21 are pending in the application.

Favorable reconsideration of the rejection of claims 1-2, 4-11, 13-19 and 21 under 35 U.S.C. § 103 as being unpatentable over Hall et al. (U.S. Pat. No. 6,138,119) in view of Fisher (U.S. Pat. No. 5,214,702) is requested.

The Examiner's characterization of Hall et al. as teaching a digital file *i.e.*, container forming a contract, is in error. Hall et al. teaches a data structure, which identifies the contents of a file. The data structure does not include, as is presently claimed, a contract wherein rules are contained within the contract. There are no rules contained within the body of the data structure, or mentioned in the specification as being part of the file which accompanies the data structure. As noted in the Office Action, Hall et al. does not teach any validating signature, generated from rules according to a first key belonging to a validating party, or any sealing signature generated from the header package.

The cited reference to Hall et al. does not appear to deal with any of the security issues which are protected by the current invention. While the current invention relies on validating and sealing, where the validating step depends on rules which are embedded in the contract, no such structure can be found in Hall et al.

Turning now to the Fischer reference, Fischer describes a public key cryptographic signature system. Fischer as well does not appear to describe any documents which have rules which define validating, and sealing for the contract package. While Fischer does provide for signing of the document, and using a hashing algorithm for generating a secure document, it does not relate to contracts which contain their own rules. In reviewing the reference, there does not appear to be any disclosure of any header package which has rules to describe when the package is validated. While Fischer may well provide security for the package, it does not do so in accordance with the process and apparatus set forth the Applicants claims. Fischer provides for levels of certification, so that more than one member of a hierarchy can certify the signature, but it does not disclose those aspects of the Applicants claims which require a header package

having rules defining sealed packages produced by a sealing party, nor any of the limitations of the rejected claims which require these features.

Applying the teachings of Fischer to Hall et al., will not disclose or suggest these features. Since neither reference shows the use of a header, having rules embedded therein for unsealing the package, it is not seen how a combination of the two could yield or suggest this subject matter.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2143 - § 2143.03 for decisions pertinent to each of these criteria.

Since the combination of references fails to yield all of the elements of the claims, the references do not amount to a *prima facie* case of obviousness.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0510, under Order No. 20140-00238-US from which the undersigned is authorized to draw.

Dated: 4/18/05

Respectfully submitted,

By _____

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